



**U.S. Immigration  
and Customs  
Enforcement**

January 28, 2015

Ms. Lindsay Gray, Attorney at Law  
9300 Olive Street  
St. Louis, Missouri 63132

**Re: Motion to Reopen and Rescind July 30, 2014 Reinstatement Order  
Jose Guadalupe Perez Garcia, A076 950 202**

**DISCUSSION:**

Mr. PEREZ-Garcia filed a "Motion to Reopen and Rescind July 30, 2014 Reinstatement Order" on August 5, 2014. On October 23, 2014, and October 26, 2014, supplemental documentation was submitted in support of the motion. Mr. PEREZ-Garcia has requested the reopening and rescinding of the reinstatement order because he states that he complied with the Immigration Judge's voluntary departure order and voluntarily departed the United State on or before March 19, 1999.

Mr. PEREZ-Garcia is a native and citizen of Mexico who entered the United States without proper inspection on or about May 23, 1996. On November 19, 1998, Immigration Judge Zerbe granted Mr. PEREZ-Garcia voluntary departure on or before March 19, 1999, and the posting of a \$5000 departure bond. He was represented by counsel, Angie O'Gorman, and appeal was waived. Mr. PEREZ-Garcia did not submit Form G-146 or any evidence verifying his departure from the United States in compliance with the voluntary departure order. On March 20, 1999, the voluntary departure order became a final order. On November 16, 1999, the voluntary departure bond was breached.

On May 11, 2000, Mr. PEREZ-Garcia was apprehended by the Immigration and Naturalization Service. At that time, he submitted no documentation or evidence verifying his departure before March 19, 1999, and compliance with the Immigration Judge's order. On May 24, 2000, the Immigration Judge's order of removal was executed and he was removed from the United States.


On an unknown date, Mr. PEREZ-Garcia reentered the United States without proper inspection. On July 30, 2014, Mr. PEREZ-Garcia was apprehended by Immigration and Customs Enforcement. On that same date, he was served Form I-871, Notice of Intent/Decision to Reinstate Prior Order. On that form, he checked the box and signed the form acknowledging that he did "not want to make a statement contesting this determination." On August 5, 2014, Mr. PEREZ-Garcia filed a "Motion to Reopen and Rescind July 30, 2014 Reinstatement Order" with ERO through counsel, Lindsay Gray. On August 6, 2014, the Eighth Circuit Court of Appeal denied a motion for a stay of removal. On August 8, 2014, he was removed from the United States to Mexico.

ICE ERO carefully considered the individual facts of this case and evidence submitted in the "Motion to Reopen and Rescind July 30, 2014 Reinstatement Order" and supplemental submissions. The evidence submitted fails to establish that Mr. PEREZ-Garcia voluntarily departed the United States on or before March 19, 1999, and complied with the Immigration Judge's November 19, 1998 order.

Mr. PEREZ-Garcia did not submit Form G-146 or any documentation from the United States government verifying his departure from the United States in compliance with the voluntary departure order. In support of his motion to reopen, he submitted a photocopy of a Mexican Government "F.M.E." form to establish his entry into Mexico on March 19, 1999. The original F.M.E. was not submitted with the Motion to Reopen or supplemental submissions. On or about October 24, 2014, ICE requested the original F.M.E. from Mr. PEREZ-Garcia's attorney who stated that she would attempt to obtain the original from her client. To date, the original has not been provided to ICE. Also, the F.M.E. has not been authenticated by the Mexican Government despite counsel's representation that she was in the process of having the F.M.E. authenticated. In May 2000, Mr. PEREZ-Garcia offered neither the F.M.E. nor other evidence verifying his voluntary departure and compliance with the Immigration Judge's order. Finally, Mr. PEREZ-Garcia's statement has little evidentiary value verifying his timely departure from the United States.

**DECISION:**

After consideration of all arguments and supporting evidence, ICE ERO has determined that the "Motion to Reopen and Rescind July 30, 2014 Reinstatement Order" is DENIED.

  
Ricardo A. Wong  
Field Office Director  
(for)